

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ANTHONY SHEPHERD,

Plaintiff,

vs.

DR. SHAH,
and NURSE JANE DOE,

Defendants.

Case No. 3:16-CV-00333-NJR-DGW

MEMORANDUM AND ORDER

ROSENSTENGEL, District Judge:

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Donald G. Wilkerson (Doc. 44) regarding the motion for summary judgment filed by Defendant Dr. Shah (Doc. 41). The Report and Recommendation, entered on June 6, 2018, recommends that the Court grant Dr. Shah's motion. No objections to the Report and Recommendation were filed.

Plaintiff Anthony Shepherd filed this *pro se* civil rights lawsuit pursuant to 42 U.S.C. § 1983, alleging he was denied adequate medical care by Defendants Dr. Shah and an unknown nurse¹ for injuries he sustained to his foot, head, shoulder, and back while housed as an inmate at Southwestern Illinois Correctional Center (Doc. 1). Dr. Shah filed his motion for summary judgment on December 1, 2017, arguing he was not deliberately indifferent to Shepherd's serious medical needs. Despite receiving notice of the motion and the consequences for failing to respond (Doc. 43), Shepherd did not file a response.

¹ The Scheduling and Discovery Order in this case required Shepherd to move to amend his complaint to add or substitute a specific defendant for Jane Doe Nurse by December 16, 2016 (Doc. 23). Shepherd failed to do so; therefore, Nurse Jane Doe is **DISMISSED** as a defendant.

Magistrate Judge Wilkerson entered his Report and Recommendation on June 6, 2018. The parties were informed that their deadline for objecting to the Report and Recommendation was June 25, 2018, but no objections were filed.

Because no party has filed an objection, the undersigned need not undertake *de novo* review. 28 U.S.C. § 636(b)(1)(C); *see also Thomas v. Arn*, 474 U.S. 140 (1985); *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 741 (7th Cir. 1999). Instead, the Court should review the Report and Recommendation for clear error. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). The Court may then “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

While a *de novo* review is not required here, the Court has carefully reviewed Magistrate Judge Wilkerson’s Report and Recommendation for clear error. Following this review, the Court agrees with the findings, analysis, and conclusions of Magistrate Judge Wilkerson. Accordingly, the Court **ADOPTS** Magistrate Judge Wilkerson’s Report and Recommendation (Doc. 44) in its entirety. The Motion for Summary Judgment filed by Defendant Dr. Shah is **GRANTED**. Defendant Nurse Jane Doe is **DISMISSED without prejudice**. This entire action is **DISMISSED**, and the Clerk of Court is **DIRECTED** to enter judgment accordingly.

IT IS SO ORDERED.

DATED: July 5, 2018



NANCY J. ROSENSTENGEL
United States District Judge